

Remarks:

Reconsideration of the application as amended is respectfully requested. In the previous Office Action, claims 9, 12 and 17 were rejected in light of patents issued to Albanes and Hutton. The examiner concluded that the switching means of Hutton was an obvious equivalent of the microprocessor and multi-position switch of the claimed invention. The examiner noted, “[w]ith regards to the microprocessor, which would electrically connecting to the heater control switch, this piece of electrical circuit is well known in the art for controlling the operation of the heaters. Therefore, it would have been obvious to one skilled in the art to utilize it in conjunction with the Hutton et al’s switch as such would provide a longer of the device as well as efficiency of its operation.” However, the examiner cited no references in support of such conclusion. Applicant hereby requests that according to MPEP § 2144.03, a reference be cited in support of such assertion. Additionally, the switching mechanism of Hutton is far more complex and expensive to operate and manufacture than the present invention.

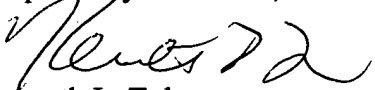
The examiner rejected the safety switch apparatus in light of Albanes in combination with Marino. The switch of Marino is a pivotal actuator that protrudes from a front face of the heater. In order for the switch to disable the heater, the heater housing must fall forwardly and the front face thereof must engage a planar support surface. See column 2, lines 67-68, and column 3 lines-12. Conversely, the present claimed invention includes a **gravity actuated** switch that disables the heater upon the housing toppling in any direction and regardless of whether the housing engages a planar surface. Such safety feature is critical with an electrical device that will be used near water.

The examiner rejected original claim 9 in light of Albanes and Claypool. The examiner concluded that Claypool discloses a heater mounted on a weighted support stand. Claypool

merely discloses an ornamental design for a heater cabinet that appears to be mounted on some sort of stand. No where in the patent text is the stand referred to as weighted. Furthermore, it appears that the device is not a heater but a cabinet therefor.

In addition, original claim 21 which included the convex front wall was rejected in light of the patent issued to Shao in combination with those cited above. Though Shao discloses a heater with a convex front wall, it does not include pivotal louvers therein as does the present invention. Combining pivotal louvers with a convex surface is another critical feature of the present invention in that it allows a user to simultaneously direct hot air to virtually all of the body for efficient drying. Shao merely discloses a small, wall- mounted space heater and does not address the need to efficiently dry one's body. Shao certainly does not disclose or suggest combining such features with those described above. For the foregoing reasons, applicant respectfully avers that the newly submitted claims are allowable in light of the references cited herein.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313 on this 15th day of March, 2005.

Kenneth L Tolar (Name of person making deposit)

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3.15.05 (Date)